

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ChipBLASTER, INC., and)
GREGORY S. ANTOUN,)
)
Plaintiffs,)
)
v.)
MIKE KENNEY TOOL, INC.,)
d/b/a COOLJET SYSTEMS,)
)
Defendant.)
)
AND RELATED CROSS-COMPLAINT)

Civil Action No. 04-250 Erie

[PROPOSED] ORDER GRANTING
DEFENDANT'S MOTION FOR
RECONSIDERATION

[PROPOSED] ORDER GRANTING DEFENDANT'S
MOTION FOR SUMMARY ADJUDICATION
OF NONINFRINGEMENT

ORDER

AND NOW, to wit, this _____ day of August, 2005, upon consideration of Defendant Mike Kenney, Inc.'s motion for reconsideration (Dkt. # 38) of the Court's ruling on its motion for partial summary judgment (Dkt. # 34), and for good cause shown, it is hereby ORDERED, ADJUDGED AND DECREED that the motion for reconsideration is GRANTED; that upon reconsideration the Court agrees that there is no genuine issue of material fact concerning the non-infringement of all products accused of infringing Plaintiffs ChipBLASTER and Antoun's patent in suit, and that Defendant is therefore entitled to partial summary judgment as a matter of law; and that summary judgment under Rule 56, F.R.Civ.P., is therefore GRANTED on Plaintiffs' claims for patent infringement of U. S. Patent No. 5,951,216. An appropriate judgment will issue in due course, under Rule 58, F.R.Civ.P.

BY THE COURT

Dated: _____, 2005

Sean J. McLaughlin
United States District Judge

Submitted by:

s/Leland P. Schermer _____
Craig A. Gelfound
MCDERMOTT WILL & EMERY LLP
Attorneys for Defendants